GOVERNMENT OF INDIA
COMMERCE AND INDUSTRY
LOK SABHA

UNSTARRED QUESTION NO:1923
ANSWERED ON:13.03.2007
PATENT LAW
Kalmadi Shri Suresh

Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether a committee headed by an eminent scientist was formed to examine the India's patent laws which are in compliance with the WTO agreement on Trade Related Intellectual Property Rights;

(b) if so, the whether there is any controversy about plagiarized material being included in the report on patents law;

(c) if so, whether the committee has withdrawn its report in view of this controversy; and

(d) if so, the time by which the committee is likely to submit its revised report?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI ASHWANI KUMAR)

(a) : A Technical Expert Group under the Chairmanship of Dr. R.A. Mashelkar, Director General, Council of Scientific and Industrial Research was set up to examine the following two patent law issues:

(i) whether it would be TRIPS (Agreement on Trade Related Aspects of Intellectual Property Rights) compatible to limit the grant of patent for pharmaceutical substance to new chemical entity or to new medical entity involving one or more inventive steps; and

(ii) whether it would be TRIPS compatible to exclude micro-organisms from patenting.

(b): There are some reports in the media regarding plagiarism in the Report of Technical Expert Group (TEG).

(c)&(d): The Chairman of the Group requested the Government for approval to "withdraw the Report, re-examine it and resubmit a Report, which meets with the requirements of the highest standards." He also stated that "it will take the TEG three months to resubmit the Report from the time the TEG is given time to re-examine the Report." The Government has agreed to allow the TEG to remove the "technical inaccuracies" in the Report.